

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 867 – SB 1403

February 26, 2019

**SUMMARY OF ORIGINAL BILL:** Requires the Department of Children's Services (DCS) to initiate an immediate investigation that includes making physical contact with the child, regardless of the time of day or night, upon receiving a report of child abuse from a person tasked with the education or health and welfare of the child that indicates the child is currently at risk of further harm. Requires the Commissioner of the DCS to provide a report to the District Attorney General with jurisdiction following a fatality or near fatality of a child in the custody of DCS or who is the subject of an investigation by Child Protective Services (CPS).

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$1,066,500

Increase Federal Expenditures – \$852,300

**SUMMARY OF AMENDMENT (004590):** Deletes and rewrites all language after the enacting clause such that the only substantive change is to require the DCS to initiate an immediate investigation upon receiving a report from a licensed medical or mental health provider or a licensed educational professional, as opposed to a person tasked with the education or health and welfare of the child.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Passage of this legislation would require DCS to immediately investigate a report of child abuse received from a person tasked with the education or health and welfare of the child that indicates the child is currently at risk of further harm.
- Pursuant to DCS Administrative Policies and Procedures 14.3A(d), the DCS currently has a minimum of 24 hours to investigate these types of claims.
- There have been 20,231 unique physical abuse referrals to DCS in FY18-19 thus far.
- Of those 20,231 referrals, 33 percent or 6,743 referrals were made from an education or medical professional.

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- Each Child Protective Services Investigation (CPSI) case manager can take on eight new cases each month.
- It takes 70 CPSI case managers to investigate 6,743 referrals and assess the child's level of safety (6,743 referrals / 8 cases per month / 12 months).
- It is estimated that 33 percent or 2,225 (6,743 x 33.0%) referrals are reported outside of normal work hours.
- To effectuate the provisions of this legislation and handle the increase in response time required to respond to these referrals, the DCS would require 23 additional CPSI case managers (2,225 referrals / 8 cases per month / 12 months).
- Based on information provided by the DCS, one team leader is required for every five case managers. Additionally, one team coordinator is required for every four team leaders. Therefore, the DCS will require five additional team leaders (23 case managers / 5 case managers per team leader) and one additional team coordinators (5 team leaders / 4 team leaders per team coordinator).
- The recurring increase in expenditures associated with the additional positions is estimated to be \$1,918,852 (\$1,109,300 salaries + \$374,552 benefits + \$435,000 other costs).
- The recurring increase in expenditures of \$1,918,852 for the new positions will consist of \$1,066,522 in state funding and \$852,330 in federal funding, as follows:
  - \$767,541 in DCS state funds (\$1,918,852 x 40.0%).
  - \$298,981 in TennCare state funds [(\$1,918,852 x 45.0%) x 34.625%].
  - \$564,502 in TennCare federal funds [(\$1,918,852 x 45.0%) x 65.375%].
  - \$287,828 in Title IV-E federal funds (\$1,918,852 x 15.0%).
- The recurring increase in state expenditures is estimated to be \$1,066,522 (\$767,541 + \$298,981).
- The recurring increase in federal expenditures is estimated to be \$852,330 (\$564,502 + \$287,828).
- Pursuant to Tenn. Code Ann. § 37-5-124(a), the Commissioner of DCS is required to provide a report of a fatality or near fatality of a child in the custody of DCS, or who is the subject of an investigation by CPS, to the General Assembly within ten business days of the fatality or near fatality.
- Requiring the Commissioner to provide the report to the District Attorney General with jurisdiction will not result in a significant impact to the DCS.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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